

Remarks/Arguments

Claims 1, 3-8 and 10-18 remain in the application. Claims 2, 9 and 19 have been canceled.

Claims 1, 3-8, and 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Iijima.

Applicant traverses the objections as follows: The PKCS standard defines a method of storing data within a PKCS 15 compliant smartcard. It would not be obvious to one of skill in the art to examine other methods of storing data within a PKCS compliant smartcard since the standard specifies the compliant method to be employed. Improving on a standard while maintaining compliance is inventive and is not obvious since it involves altering part of a system or process that is specified in a specification – failing to meet the letter of the specification – without causing the device to fail in operation thereof.

Further, there is no teaching in AAPA nor in Iijima nor in any of the other art of record to indicate that another method of data storage that is more advantageous is employable while maintaining compliance with the PKCS 15 standard for the smartcard.

One of skill in the art would undoubtedly be lead to the conclusion that to use any method other than that set out in the standard would lead to non-compliance and, as such, there is no motivation to vary the AAPA in accordance with any of the art of record including Iijima.

Though many memory management techniques are well known in the prior art, only a subset of available memory management techniques are suited to a given system or application. In light of the PKCS 15 standard, it would not be apparent to those of skill in the art to look to Iijima (or any other of the numerous data memory storage architectures) for another different data storage method.

Thus, Applicant respectfully submits that any combination of prior art references other than those referring directly to PKCS 15 compliant devices is an improper and

unmotivated combination. It is well known in the art to follow a specification to the letter such as the PKCS 15 specification. There is no motivation to look to methods or structures other than those set out in the specification. As such, combining Iijima with the AAPA is inappropriate.

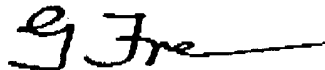
Further, the invention as claimed has an unforeseen advantage. The invention as claimed is useful with PKCS 15 standard devices and yet does not truly meet the letter of that standard. As such, it is inventive to employ the claimed invention with a PKCS 15 device due to the unforeseen advantage of maintaining operability while other than strictly maintaining the standard. This unforeseen advantage – maintaining operability with PKCS 15 compliant devices – results in the invention as claimed being inventive over the prior art of record and, as such, no combination of references that fails to teach the unforeseen advantage is motivated or appropriate.

As the claims are now restricted to PKCS 15 compliant devices – therefore having narrow scope – Applicant believes the claims are now allowable.

Please charge any additional fees required or credit any overpayment to Deposit Account No. 50-1142.

Applicant respectfully submits that the claims are now allowable, and Applicant requests reconsideration of the present application.

Respectfully,



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